



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/698,744 | 10/31/2003 | Todd M. Bjork | M81.12-0066 | 3143 |
| 27367 | 7590 | 08/12/2005 | EXAMINER | |
| WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1600 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319 | | | PHILOGENE, PEDRO | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3732 | | |

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/698,744 | BJORK ET AL. |
| | Examiner | Art Unit |
| | Pedro Philogene | 3732 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) 18-32 is/are withdrawn from consideration.
5) Claim(s) 14-17 is/are allowed.
6) Claim(s) 1,2,6,7,10 and 12 is/are rejected.
7) Claim(s) 3-5,8,9,11 and 13 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/15/05.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

Election/Restrictions

Applicant's election without traverse of species A, claims 1-17 in the reply filed on 5/23/05, is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6,7,10,12, are rejected under 35 U.S.C. 102(b) as being anticipated by Bookwalter et al. (6,241,659).

With respect to claims 1, 10, Bookwalter et al disclose an assembly or docking apparatus comprising a main body (32) defining a cavity (42), a support arm (24) positioned within the cavity; and a retaining mechanism (30) disposed about the main body and in communication with the end portion for retaining the end portion within the main body; as best seen 2.

With respect to claims 2, 6,7,12, Bookwalter et al disclose all the limitations; as set forth in column 4, lines 24-67, column 5, lines 1-58.

Claims 1,6,10,12, are rejected under 35 U.S.C. 102(b) as being anticipated by Bigliani et al. (5,876,333).

With respect to claims 1, 10, Bigliani et al disclose an assembly or docking apparatus comprising a main body (32) defining a cavity (36), a support arm (28) positioned within the cavity; and a retaining mechanism (42) disposed about the main

body and in communication with the end portion for retaining the end portion within the main body; as best seen 2.

With respect to claims 6,12, Bigliani et al disclose all the limitations; as set forth in column3, lines 24-58.

Allowable Subject Matter

Claims 3-5, 8,9,11, 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-17 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | |
|-----------|---------|-------------------|
| 6,530,883 | 03-2003 | Bookwalter et al. |
| 3,749,088 | 07-1973 | Kohlmann |
| 5,375,481 | 12-1994 | Cabrera et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is 571 272 4716. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on 571 272 4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pedro Philogene
August 10, 2005


PEDRO PHILOGENE
PRIMARY EXAMINER